

HOUSE BILL 9042

By Ragan

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 49; Title 50, Chapter 1; Title 58, Chapter 2 and Title 68, relative to essential workers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 1, is amended by adding the following as a new part:

50-1-1101.

As used in this part:

(1) "COVID-19" means the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, including a mutation of the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019;

(2) "Essential worker" means an employee of an employer who is providing essential services or functions and who is designated as an essential worker pursuant to law, rule, regulation, or executive order, including:

(A) Essential healthcare operations, including research and laboratory services;

(B) Essential infrastructure, including utilities, telecommunication, airports, and transportation;

(C) Essential manufacturing, including food processing and pharmaceuticals;

(D) Essential retail, including grocery stores and pharmacies;

(E) Essential manufacturing, including food processing and packaging;

(F) Essential services, including trash collection, mail, and shipping;

(G) News media;

(H) Banks and financial institutions;

(I) Providers of basic necessities to economically disadvantaged populations;

(J) Construction;

(K) Vendors of essential services necessary to maintain the safety, sanitation, and essential operations of residences or essential businesses; and

(L) Vendors that provide essential services or products, including logistics and technology support, child care, and services needed to ensure the continuing operation of government agencies and provide for the health, safety, and welfare of the public;

(3) "Healthcare provider" means:

(A) A healthcare practitioner, person, or facility licensed, authorized, certified, registered, or regulated under title 33, title 63, title 68, federal law or order, or an executive order of the governor;

(B) Employees, agents, or contractors of practitioners, persons, or facilities described in subdivision (3)(A); and

(C) Residents, interns, students, fellows, or volunteers of an accredited school or of such school's affiliated teaching or training hospitals or programs in this state;

(4) "Mask" means a material used to cover the nose and mouth of a person to impede the spread of saliva or other fluids during speaking, coughing,

sneezing, or other intentional or involuntary action to prevent or reduce the spread of COVID-19;

(5) "Medical treatment" means an immunization, vaccination, or injection for COVID-19;

(6) "Person" means an individual, healthcare provider, sole proprietorship, corporation, limited liability company, partnership, trust, religious organization, association, nonprofit organization described in § 501(c) of the Internal Revenue Code that is exempt from federal income taxation under § 501(a) of the Internal Revenue Code (26 U.S.C. § 501(a)), or another legal entity whether formed as a for-profit or not-for-profit entity;

(7) "Political subdivision" means a local governmental entity, including a city, town, municipality, metropolitan government, county, utility district, school district, public building authority, housing authority, emergency communications district, county board of health, and development district created and existing pursuant to the laws of this state, or an instrumentality of government created by one (1) or more local governmental entities;

(8) "Proof of vaccination" means physical documentation or digital storage of protected health information related to an individual's immunization or vaccination against COVID-19;

(9) "Prophylactic measure" means a measure or action intended to prevent or mitigate the spread of COVID-19; and

(10) "State entity" means an agency, branch, bureau, commission, department, or division of this state.

50-1-1102.

Notwithstanding title 58, chapter 2, or another law to the contrary, the governor of this state, its state entities or political subdivisions, and public officials do not have authority to suspend any provision of this part.

50-1-1103.

Notwithstanding any law to the contrary, a person, state entity, or political subdivision shall not require or mandate as a condition of employment that an essential worker:

- (1) Wear a mask;
- (2) Obtain medical treatment for COVID-19;
- (3) Provide proof of vaccination for COVID-19; or
- (4) Obtain or take other prophylactic measures against COVID-19.

50-1-1104.

A person injured as a result of a violation of this part may bring a private right of action for injunctive relief and recover costs and reasonable attorneys' fees against the violator.

SECTION 2. If a provision of this act or its application to a person or circumstance conflicts with federal law, the federal law supersedes this act if the federal law is enacted pursuant to valid authority of the federal government.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.